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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA, ) 2:11-CR-347-KJD-(CWH)  
9 Plaintiff, )  
10 v. ) Substitution and Forfeiture Order  
11 DAVID A. LITWIN, )  
12 Defendant. )

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13 This Court, having read and considered the United States' Motion to Substitute and to  
14 Forfeit Property of David A. Litwin, and good cause appearing, finds the assets described below are  
15 owned by David A. Litwin.

16 This Court finds, pursuant to Fed. R. Crim. P. 32.2(e), the Court retains jurisdiction to  
17 amend the order of forfeiture at any time to include forfeitable property or substitute property.

18 This Court finds, pursuant to Fed. R. Crim. P. 32.2(e)(1)(B), the \$99,900 from 24/7 Vaults;  
19 and the 53 1oz gold coins from the 24/7 Vaults are substitute property that qualifies for forfeiture  
20 under Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section  
21 2461(c); Title 21, United States Code, Section 853(a)(1) and (a)(2); and Title 21, United States Code,  
22 Section 881(a)(6) with Title 28, United States Code, Section 2461(c).

23 This Court finds, pursuant to Title 21, United States Code, Section 853(p), the illegal  
24 proceeds of David A. Litwin's crime (a) cannot be located upon law enforcement's exercise of due  
25 diligence; (b) has been transferred or sold to, or deposited with a third party; and (c) have been  
26 substantially diminished in value.

1 This Court finds the United States of America is now entitled to, and should, reduce the  
2 aforementioned property to the possession of the United States of America.

3 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the following assets  
4 are substituted and are forfeited to the United States pursuant to Fed. R. Crim. P. 32.2(e)(1)(B) and  
5 (2) and 21 U.S.C. § 853(p):

- 6 1. \$99,900 in cash claimed from 24/7 Vaults; and
  - 7 2. 53 1oz gold coins from the 24/7 Vaults
- 8 (all of which constitutes property).

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United States of  
10 America should seize the aforementioned property.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory rights,  
12 ownership rights, and all rights, titles, and interests of David A. Litwin in the aforementioned  
13 property is forfeited and is vested in the United States of America and shall be safely held by the  
14 United States of America until further order of the Court.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of  
16 America shall publish for at least thirty (30) consecutive days on the official internet government  
17 forfeiture website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall describe the forfeited  
18 property, state the time under the applicable statute when a petition contesting the forfeiture must  
19 be filed, and state the name and contact information for the government attorney to be served with  
20 the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section  
21 853(n)(2).

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or  
23 entity who claims an interest in the aforementioned property must file a petition for a hearing to  
24 adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be  
25 signed by the petitioner under penalty of perjury pursuant to Title 21, United States Code, Section  
26 853(n)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature and extent of

1 the petitioner's right, title, or interest in the forfeited property and any additional facts supporting  
2 the petitioner's petition and the relief sought.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be  
4 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no  
5 later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty  
6 (60) days after the first day of the publication on the official internet government forfeiture site,  
7 www.forfeiture.gov.

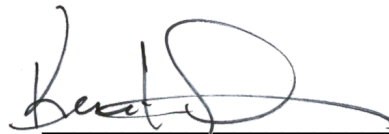
8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if  
9 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the  
10 following address at the time of filing:

11 Daniel D. Hollingsworth  
12 Assistant United States Attorney  
13 501 Las Vegas Boulevard South, Suite 1100  
Las Vegas, Nevada 89101.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described  
15 herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate  
16 agency following publication of notice of seizure and intent to administratively forfeit the above-  
17 described property.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies  
19 of this Order to all counsel of record.

20 DATED this 13<sup>th</sup> day of July, 2018.

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24 UNITED STATES DISTRICT COURT  
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